

1 157139-3 : n : 01/22/2014 : TAYLOR / slg

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3 SENATE FR&A COMMITTEE AMENDMENT #1 TO SB114  
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8 On page 5, after line 13, insert the following new  
9 subsection (c) and reletter the subsequent subsections:

10 (c) In order to commit a violation of subsection  
11 (b), a physician or a physician's employee, agent, contractor,  
12 subcontractor, or independent contractor must have specific  
13 intent to make a claim or obtain a payment for a health care  
14 item or service for which he or she has actual knowledge, as  
15 opposed to constructive knowledge, that he or she is not  
16 entitled to the claim or payment or that he or she has actual  
17 knowledge that his or her patient is not otherwise entitled to  
18 coverage under a public assistance program.  
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20 On page 7, line 4, after "section." insert the  
21 following:

22 However, in situations in which a physician or his  
23 or her employee, agent, contractor, subcontractor, or  
24 independent contractor has overbilled or received an  
25 overpayment for a medical or health care service or improperly  
26 charted, coded, or billed for any medical or health care

1 service, common practices, including but not limited to,  
2 repayment, even years later, may use as a defense to, or  
3 ground for dismissal of, a prosecution under this act.